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Food and Agricultural Import Regulations and Standards

Country Report

2006

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Report Highlights:

Sections updated: Food Additive Regulations, Pesticide and Other Contaminants, Other Regulations and Requirements, Other Specific Standards, Copyright and/or Trademark Laws, Import Procedures and Government Regulatory Agency Contacts. The FAIRS Report is based on Peruvian regulations for importing food products. This report intends to help U.S. exporters meeting local import requirements and consequently, facilitate trade between the U.S. and Peru.

Includes PSD Changes: No

Includes Trade Matrix: No

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PERU: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Lima, Peru for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. FOOD LAWS**1.1 The General Health Law (*Law No. 26842 of July 20, 1997*)**

Contains the framework for food regulations on sanitary supervision and control of food and beverage in Peru. This type of regulation is related to various laws, supreme decrees and supreme resolutions, and must be published in the official newspaper "El Peruano" before being implemented.

The Ministry of Health, through the General Environmental Health Bureau (DIGESA), is responsible for implementing most regulations regarding processed food products.

The present regulations establish that:

- ☐ Production and trade of food and beverages for human consumption are subject to supervision based on food sanitary standards.
- ☐ It is prohibited to import, manufacture, trade, distribute or store food and beverages that have been adulterated, contaminated, altered or declared unfit for human consumption.
- ☐ Food and beverages manufactured locally or in a foreign country can only be traded with the corresponding certificate of sanitary registration.
- ☐ It is prohibited to import food and beverages from countries where distribution or consumption of the same product is not allowed due to health risk.
- ☐ Personnel involved in production, handling, transportation, conservation, storage, outlay and supply of food and beverages must comply with sanitary standards to avoid contamination.
- ☐ Facilities manufacturing, processing and supplying food and beverages must control the sanitary quality and food safety in accordance with the requirements of the Ministry of Health nationwide.

1.2 Regulations of Sanitary Inspection and Control for Food and Beverages (*Supreme Decree No. 007-98-SA of September 25, 1998*)

According to the provisions of the General Health Law and the General Principles of Food Safety included in the Codex Alimentarius, the present regulation establishes the general

hygiene standards, health conditions and requirements for the production, transportation, manufacturing, storage, marketing, preparation and sale of food and beverages for human consumption in Peru, including:

- ❑ The conditions, requirements and procedures for the registration, modification and cancellation of food and beverage sanitary registration.
- ❑ The regulations concerning inspection of the activities and services related to the production and distribution of food products.
- ❑ The applicable measures and sanctions for food safety.
- ❑ The organoleptic characteristics, chemical composition and microbiological conditions that apply to food and beverages.
- ❑ The food quality and safety standards to which food and beverage manufacturers are subject, based on the Hazard Analysis and Critical Control Points (HACCP) system.

1.3 Sanitary Supervision Agencies (*Title II, Supreme Decree No. 007-98-SA*)

- ❑ **Ministry of Health–DIGESA:** Responsible for sanitary supervision of food and beverage manufacturing, distributing and marketing.
- ❑ **Ministry of Agriculture–SENASA:** Responsible for sanitary supervision of fresh fruits and vegetables and animal products such as dairy and meats for human consumption.
- ❑ **Vice-Ministry of Fisheries:** Responsible for sanitary supervision for capture, transportation and processing of seafood products, as well as sanitary conditions at shipment ports.
- ❑ **Municipalities:** Responsible for sanitary supervision of the establishments trading and manufacturing food and beverages. They work closely with DIGESA.

1.4 Sanitary Registration of Processed Food and Beverages (*Title VIII, Supreme Decree No. 007-98-SA*)

DIGESA is in charge of registering, re-registering, modifying, suspending and canceling the sanitary registration of food and beverages nationwide and also:

- ❑ Makes mandatory the sanitary registration for processed food and beverages sold in Peru.
- ❑ Defines industrial food and beverages as those finished products for human consumption that result from physical, chemical or biological processing of animal, plant or mineral inputs and which contain food additives.
- ❑ Establishes which food and beverages are not subject to health registration, including:
 - a) those in natural conditions, packed or not, such as grains, fruits, vegetables, meats, and eggs;
 - b) free samples; and
 - c) products donated by foreign charitable entities.
- ❑ Establishes that a product's sanitary registration permits its manufacture, import or sale by the registration holder who will be responsible for the sanitary quality and safety of the food or beverage being sold.
- ❑ Establishes product groups for sanitary registration purposes using a qualitatively similar mix of basic ingredients and food additives that identify the group as such.

1.5 The Ministry of Agriculture (*Law Decree No. 25902 of November 29, 1992*)

Is responsible for promoting and developing the agricultural sector. It is divided in three major organizations:

- ❑ **The National Agricultural Sanitary and Phytosanitary Service (SENASA):** responsible for developing and promoting the participation of the private sector in the implementation, prevention, control and eradication of plant pests and animal diseases.
- ❑ **The Agricultural Research and Extension Service (INIEA):** responsible for researching, promotion and technology transference in the jungle (east), Andes (highlands) and coastal areas.
- ❑ **The Natural Resources Service (INRENA):** promotes the rational use and conservation of natural resources in conjunction with the private sector.

1.6 The National Agricultural Sanitary and Phytosanitary Service (SENASA)

Is responsible for enforcing regulations governing domestic and imported plants and animals and their respective products and by-products, and for preventing foreign and exotic animal and plant diseases. It is composed of two major offices:

- ❑ **Plant Health Office:** responsible for protecting the health of plants and preventing the introduction and spread of foreign pests within Peru. It is similar to APHIS's Plant Protection and Quarantine in the United States. All U.S. unprocessed products of plant origin like bulk grains, fresh fruits and vegetables, nuts or seeds, can only be exported to Peru if accompanied by an APHIS phytosanitary certificate, complying with SENASA's import permit requirements. To clear customs, these products are subject to inspection by SENASA.
- ❑ **Animal Health Office:** responsible for enforcing regulations governing the import and the export of live animals, semen, embryos and by-products of animal origin, as well as the registration of veterinary products. In cooperation with Peru's State governments, SENASA enforces federal laws and regulations to protect and improve animal health, control and eradicate animal diseases such as Food-and-Mouth Disease. It defends borders against foreign and exotic animal diseases. SENASA's regulatory responsibilities for live animals and animal genetics are similar to those ascribed in the United States to APHIS's veterinary services.
- ❑ **Port and Airport Callao Inspection Stations:** functionally depend on the Animal and Plant Health Offices. These stations enforce regulations according to the agricultural health for trading domestic and imported agricultural products.

1.7 The Ministry of Health (*Law Decree No. 584 of April 18, 1990*)

The Ministry of Health rules, guides and promotes the National Health System to achieve a healthier environment. It is composed of two major organizations:

- ❑ **General Environmental Health Bureau (DIGESA):** supervises, creates regulations and controls other dependences of the Ministry of Health and Municipalities within its three offices: basic services for health (water and drainage quality), ecology and environmental protection and food safety and animal disease control. The last is the Peruvian counterpart to the Food and Drug Administration (FDA) regarding food sanitary quality and safety supervision and the registration of processed food and beverages.
- ❑ **General Direction of Pharmaceutical Products and Drugs (DIGEMID):** is responsible for registering, modifying, discontinuing and canceling the sanitary registration of dietetic products and sweeteners.

1.8 Peru's Customs - SUNAT (Law No. 24829 of June 8, 1998)

On July 12, 2002 ADUANAS merged with the Tax Agency (SUNAT), Ministry of Economy and Finances, by Supreme Decree No. 061-2002-PCM changing name to SUNAT. SUNAT-Customs controls the international traffic of merchandises, collects tariffs and prevents and sanctions customs offenses. It is divided into six offices, four of which are related to import procedures and regulations: managing and tariff collection, sanction supervisory, smuggling prevention and boundary control, and the technical customs, which regulates tariffs. SUNAT has offices on each port and airport nationwide that work in conjunction with private customs agencies.

1.9 Ministry of Foreign Trade and Tourism - MINCETUR (Law No. 27790 of July 23, 2002)

Is responsible for defining, leading, carrying out, coordinating, regulating and supervising the foreign trade and tourism. It also has the leading responsibility of negotiating trade agreements in coordination with other Ministries, principally the Ministry of Foreign Affairs and the Ministry of Economy and Finance.

1.10 National Institute for the Defense of Competition and for the Protection of the Intellectual Property - INDECOPI (Law Decree No. 25868 of November 24, 1992)

Within the Ministry's Presidential Council (PCM), INDECOPI promotes loyal competence, protects all forms of intellectual property and encourages culture based on quality. Most important offices related to trade include:

- ❑ **Consumer Protection Office:** protects consumer rights, especially the right of being properly informed on goods and services offered in the Peruvian market.
- ❑ **Dumping and Subsidies Office:** regulates market distortions due to imports that enter Peru with subsidies or below market prices.
- ❑ **Technical and Trade Regulations Office:** is the national standards agency. Prepares, approves and advertises the Peruvian Technical Standards, which are adopted voluntarily by the industry.

1.11 National Environmental Commission - CONAM (Law No. 26410 of December 22, 1994)

Within the Ministry's Presidential Council (PCM), CONAM was established as the decentralized National Authority over the political and environmental management of the country. CONAM seeks to further economic growth by taking advantage of natural resources while conserving environmental health for the benefit of the society and development. CONAM manages the National Environmental Management System (SNGA), which rules environmental protection and conservation of natural resources according to Law 28254 issued on January 28, 2005.

SECTION II. LABELING REQUIREMENTS

The Consumer Protection Office within INDECOPI is responsible for food and beverage labeling inspection and advertising (Supreme Decree No. 007-98-SA). Penalties depend on the importance of the offence committed, and could consist from warning letters to a \$90,000 fee.

2.1. General Requirements

Every food and beverage packed for marketing must be labeled in accordance with the provisions included in these regulations.

The label contents must comply with the provisions established in INDECOPI's Peruvian Metrological Standards NMP 001:1995, Packed products. Labeling, and Article No. 117 of the Supreme Decree No. 007-98-SA. An adhesive Spanish label needs to be applied before the product reaches the point of sale. The information should include:

- ☐ Name of the product.
- ☐ Food additives and ingredients.
- ☐ Manufacturer's name and address.
- ☐ Importer's name, commercial name and address, phone, taxpayer's identification (RUC). This information may appear on a separate adhesive label.
- ☐ Number of sanitary registration.
- ☐ Expiration Date (shelf life, established by the manufacturer) as provided in the Codex Alimentarius or the applicable Peruvian sanitary standard.
- ☐ Lot code or key.
- ☐ Special conservation conditions, if any.
- ☐ Net weight or volume of the content.
- ☐ Country of origin.
- ☐ Instructions for use.

Law 28405 of November 30, 2004 was passed concerning the labeling of value-added products. This law declares labeling mandatory for value-added products that are consumed, imported or manufactured and sold nationwide in order to develop a national labeling system. The ruling (Supreme Decree 020-2005-PRODUCE) lists the products of which this law is applied, but may be subject to changes such as including food products in the future. Depending on the type of product regarding composition, dimension and other characteristics, labels must have: name of product, country of manufacture and product validation (date of expiration, conditions for storage and observations). In case imported products do not accomplish with these requirements, importers will be allowed to properly label them in private storages before customs clearance. INDECOPI will monitor labeling requirement at retail/wholesale level.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

3.1 Packaging (*Title VIII, Supreme Decree No. 007-98-SA*)

The package containing the product must be made of a harmless material, free from substances that could affect its food safety. Likewise, packages must be manufactured so as to preserve the product's sanitary quality and composition throughout its useful life.

Packing made of metals, alloys or plastic should not:

- ☐ Contain impurities consisting of lead, antimony, copper, zinc, chromium, iron, tin, mercury, cadmium, arsenic or other metals or metalloids that can be hazardous to human health in quantities or at levels above the maximum allowed limits.
- ☐ Contain residual styrene, vinyl chloride, achrylonitril monomers or any other residual monomers or substances that can be considered hazardous to human health in quantities or at levels above the maximum allowed limits.

- ❑ The maximum levels allowed will be determined by the Ministry of Health's sanitary standards.

This provision also applies to any lamination, varnish, film, coating or part of the package in contact with the foods and beverages. Packages manufactured from previously used recycled paper, cardboard or plastic are forbidden.

SECTION IV. FOOD ADDITIVE REGULATIONS

4.1 Food additives (*Title VII, Supreme Decree No. 007-98-SA*)

- ❑ **Sanitary quality of inputs and food additives:** inputs and food additives for food and beverage manufacturing must meet the health quality requirements established in the sanitary standards issued by DIGESA. The Consumer Protection Office of INDECOPI is responsible for sanctions on the subject.
- ❑ **Allowed Additives:** food additives not permitted by the Codex Alimentarius are forbidden and they cannot be kept within food and beverage facilities. A complete list of approved food additives can be found at www.codexalimentarius.net. Flavorings accepted by the United States Food and Drug Administration (FDA), and the Flavor and Extractive Manufacturing Association (FEMA) are also allowed. For example, on October 10, 2002 potassium bromate, formerly very popular in Peru as bakery ingredient, was declared unfit for human consumption.

4.2 Sanitary Authorization for food additives (*Directorial Resolution No. 0775/2003/DIGESA/SA of July 16, 2004*)

The importer should follow the procedure below to request the sanitary authorization or its renewal in DIGESA:

- ❑ Sign the application form (www.digesa.sld.pe/requisitos_formulario.asp) that includes the name, address, RUC of the importer, contact information of the manufacturer and the list of products for which the sanitary authorization is being requested.
- ❑ For each additive the importer need to include the composition (in mg/kg and the numbering system -SIN- according to Codex Alimentarius), type of package, storage conditions, useful life, code system for the lot of production and physical-chemical and microbiological quality analysis issued by the manufacturer laboratory or other authorized laboratory in Peru.
- ❑ Present the certificate of free trade and use issued by the health authority of the country of origin no older than one year.
- ❑ Payment for administrative procedures and inspection. Facilities that have the sanitary permission updated require no inspection.
- ❑ The sanitary authorization lasts six months from the date of issue. Issuing procedures will take fifteen working days approximately.

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

SENASA is the agency responsible for the regulation of pesticides, herbicides and fungicides used in fumigation of agricultural products. Peru adopts Decision No. 436 and Resolution No. 630 of the Andean Community (CAN) regarding registration and control of chemical pesticides for agricultural use and Peru's Supreme Decree No. 016-2000-AG of May 8, 2000,

regulation for the registration and control of pesticides and its amendment (Ministerial Resolution No. 0476-2000-AG of July 16, 2000).

5.1 Registration for Biological Pesticides

SENASA requires that new importers and new pesticides be registered following SENASA's Text of Administrative Procedures (TUPA) available at www.senasa.gob.pe. The procedure for registration of new pesticides is as follows:

- ❑ Signed application by the legal representative and the technical advisor including technical information on the active ingredient and on the product such as of container, product waste, toxicity and environmental effects.
- ❑ Certificate of free trade and use.
- ❑ Physical-chemical analysis, endorsed by the Peruvian Consulate and the Foreign Affairs Ministry, no older than one year.
- ❑ Biological test results of research centers or specialized professionals.
- ❑ Payment of approximately \$350; for renewal the cost is \$235.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

DIGESA is responsible for sanitary regulations that apply to most processed food products, including their manufacture, in accordance with the Codex Alimentarius.

6.1 Food and Beverage Sanitary Registration (RSA) (*Law No. 26842 of July 20, 1997, Supreme Decree No. 001-2002-SA of March 2, 2002*)

The importer is responsible for sanitary registration of food and beverages or its renewal. The application form is available at www.digesa.sld.pe/requisitos_formulario.asp and should contain the following information:

- ❑ Name or commercial name, address, and RUC of the importer.
- ❑ Manufacturer's name or commercial name, address and country of origin.
- ❑ Product or group of products for which the Sanitary Registration is being requested.
- ❑ Each product must include:
 - The physical-chemical and microbiological quality analysis from the Plant quality control laboratory. Only the physical-chemical analysis could be performed by an authorized laboratory in Peru. For a list of authorized laboratories, please check: www.indecopi.gob.pe or www.digesa.sld.pe.
 - The list of ingredients and quantitative composition of additives, identified by their generic name and international number reference or commercial name.
 - Preservation and storage conditions.
 - Information about the packing used, including types and materials.
 - Useful life under normal preservation and storage conditions. DIGESA does not require expiration date for alcoholic beverages others than beer.
 - Lot code system.
 - Nutritional properties for special diet food and beverages.
- ❑ Along with the application form signed, the exporter needs to submit the certificate of free trade and use, the future label (see Section II Labeling requirements), and the registration receipt (\$70 approximately). If the certificate of free trade and use is not available, the importer should present a document issued by the Peruvian Consulate in

the country of origin. All documents must not be older than one year from their date of issue. The corresponding translation into Spanish must be enclosed.

DIGESA authorizes the following U.S. agencies to issue the certificate of free trade and use (please, check www.digesa.minsa.gob.pe/pw_dehaz/lista.pdf for updates):

Agency	Location	Address	Certificate	Contact	Telephone	Fax
FDA	Washington	5600 Fishers Lane, Rockville, Maryland 20875	N/A	N/A	1-888-463-6332	N/A
	Miami	5100 Paint Branch Parkway College Park, MD 20740	Food Products and Additives	Irma Moran or Keisha Houston	(202)418-3069 or 418-3358	(202)418-3428
			Drinks and Dairy Products	Quynh-Anh Nguyen	(301)436-2028	(301)436-2651
			Hydrobiological Products	Rochelle King	(301)436-1416	(301)436-2601
			Nutraceutical Products	Vincent Keys	(301)436-1431	(301)436-2636
TDH	Houston	P.O. Box 12008 Austin, TX 78711	Food	N/A	(512)719-0246	N/A
ATF	Houston	N/A	Alcoholic beverages and tobacco	N/A	N/A	N/A

FDA: Food and Drug Administration, web site: www.fda.gov

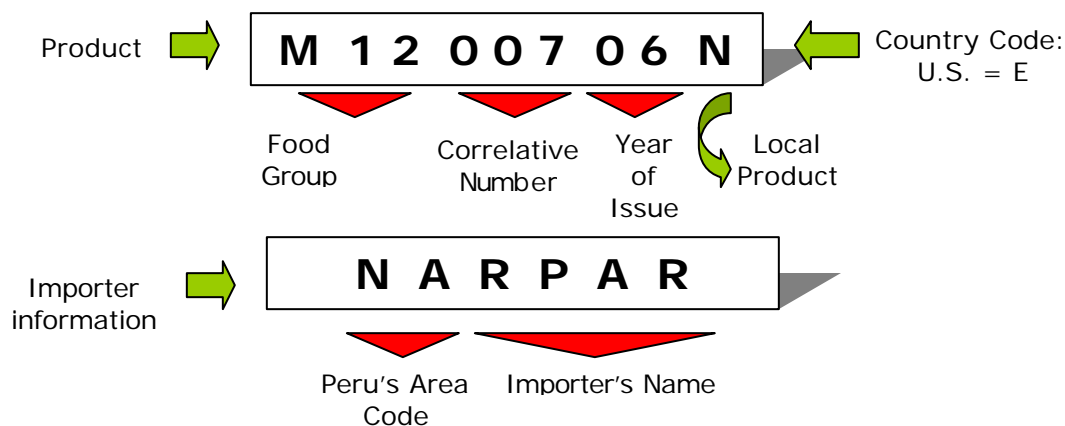
TDH: Texas Department of Health - licensing and enforcement, web site: www.tdh.state.tx.us/bfds

TABC: Texas Alcoholic Beverage Commission, web site: www.tabc.state.tx.us

ATF: Bureau of Alcohol, Tobacco, Firearms and Explosives, web site: www.atf.gov

The sanitary registration is issued per product or group of products, and per manufacturer. A group of products consist of those products elaborated by the same manufacturer and with the same qualitative composition of basic ingredients and food additives.

Current code numbering of the sanitary registration is included in the certificate. Using an example, codification for imported and local foods is as follows:



Classification of Food and Beverage Groups for the Sanitary Registration

Food and Beverage Category	Food and Beverage Category
A. Milk and Dairy Products.	J. Meat and meat products.
B. Ice cream and Ice cream mixtures.	K. Hydro biological products (seafood).
C. Oil and fats.	L. Eggs and egg products.
D. Freeze-dried, dehydrated or concentrated products.	M. Salt, species, condiments and sauces.
E. Cereals, pulses and by-products.	N. Fruits and other vegetables (including tubers and mushrooms).
F. Sugars, honey and by-products.	O. Prepared food.
G. Confectionery.	P. Beverages.
H. Bakery and pastries.	Q. Stimulant and spirit beverages.
I. Special diet food.	R. Canned food.
	S. Food additives.

Registration or renewal of registration of products in the Sanitary Registry will be accepted if the file complies with all the established requirements. *This procedure will take no more than seven working days.* Observations will be forwarded to the importer for accomplishment. Verification of the product's sanitary quality will take place after the registration or renewal thereof in the Sanitary Registry.

The sanitary registration of food and beverage will be valid for five years from the date of issue. It may be renewed after an application is filled by the registration holder between seven and sixty working days before the registration's expiration date.

6.2 Sanitary Authorization for Importing Samples of Food and Beverages (less than 100 Kg. or equivalent)

In order to import food and beverage samples, the importer or the interested party should follow these steps:

- ☐ Submit to DIGESA a sworn application (www.digesa.sld.pe/requisitos_formulario.asp) detailing the product name, country of origin, weight and use.
- ☐ Copy of the commercial invoice.
- ☐ Copy of the airway bill or bill of lading or postal advice letter.
- ☐ Registration receipt (\$56 approximately).

6.3 Certificate for Sanitary Registration of Current Registered Food and Beverages

- ☐ Once registered, food and beverages can be imported and sold by anyone. If applicable, DIGESA will issue a sanitary registration certificate for imported product on behalf of the interested part.
- ☐ The importer and seller of a product under a sanitary registration certificate for imported product have the same responsibilities as the registration holder, concerning the sanitary quality and food safety of the product. In this case, the name or commercial name, the address and RUC of the importer must be printed or labeled on each package sold to consumers.
- ☐ The sworn application (www.digesa.sld.pe/requisitos_formulario.asp) includes the contact information of the requesting company and the registration holder, the name or commercial name of the product, its sanitary registration number and the payment receipt (\$70 approximately).

SECTION VII. OTHER SPECIFIC STANDARDS

7.1 Endangered Species

The Natural Resources Service (INRENA) is responsible for promoting the rational use and conservation of natural resources and endangered species. INRENA regulates the import and export of endangered species animals and plants under the Convention of the International Trade in Endangered Species of Wild Flora and Fauna (CITES).

7.2 Marine Products

The Vice-Ministry of Fisheries is responsible for sanitary supervision for fish captures, transportation and processing of hydro biological products, as well as to ensure sanitary conditions of shipment ports. The major laws and regulations assessed to fishery inspection programs for canned, frozen and cured fish are issued in the Resolution No. 409-98-PE of August 25, 1998. DIGESA is responsible for issuing the sanitary registration certificate for imported seafood products.

7.3 Biotechnology Products

The Biosafety Law No. 27104 issued in 1999, along with its Regulation (Supreme Decree No. 108-2002-PCM), establishes CONAM as the authority for overseeing safety issues concerning biotechnology products. This law also establishes a counseling body, the National Committee of Biological Diversity (CONABID), which advises sector institutions (INIA, DIGESA and Vice Ministry of Fisheries) and proposes regulations to CONAM. CONABID is formed by a variety of government agencies such as SENASA, private sector, international organizations and universities.

Peru is a member of the Biosafety Protocol. Peru has drafted proposed law N°12033 called "Law to Promote the Use of Modern Biotechnology in Peru" which is currently approved by Congress and waiting for Presidential confirmation. This law establishes that biotechnology and its applications are fundamental factors to improve Peru's competitiveness in the agricultural sector and economic development.

For further information on Biotechnology please refer to our current Biotechnology report (PE6009).

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAW

INDECOPI ensures trademarks, copyrights and intellectual property through three offices: distinctive marks, new technologies and inventions (patents), and copyright.

8.1 Trademarks

The Office for Distinctive Marks is the organism in charge of the registration of trademarks, brands, commercial names, slogans and appellation d'origine and works accordingly to the Decision 486 of the Andean Community about Industrial Property for Andean Countries and Peruvian Law Decree 823 for the Industrial Property. Also, Peru is a signatory to the Paris Convention for the Protection of Industrial Property into compliance with the WTO agreements on trade-related aspects of Intellectual Property Rights.

Register brands and trademarks to ensure brand property is highly recommended. Requirements are found on INDECOPI's text of administrative procedures (TUPA) at www.indecopi.gob.pe. The cost per brand is \$160 approximately.

SECTION IX. IMPORT PROCEDURES

9.1 Import Procedures in Peru's Customs - SUNAT (*Supreme Decree No. 011-2005-EF of January 26, 2005*)

For customs clearance the importer or local agent must present the following documentation:

- ☐ Customs Unique Declaration (DUA), issued in SUNAT and filed by a customs agent. The fee for DUA dispatch is \$23 approximately.
- ☐ Airway bill or bill of lading.
- ☐ Commercial invoice.
- ☐ Packing list.
- ☐ Insurance letter.
- ☐ Food sanitary registry (RSA) for processed food products issued by DIGESA, or sanitary certificate for animals, plants or their by-products issued by SENASA.

Once the customs agent submits the DUA electronically, SUNAT will determine the type of control for the merchandise within the following channels: green, orange and red. Channel green permits deliver of the product once duties are paid; channel orange requires review of the documentation and channel red requires the review of the documentation and physical inspection.

The U.S. – Peru Trade Promotion Agreement (TPA) will be implemented on January 1, 2007, benefiting two-thirds of total U.S. agricultural products tariffs that will enter Peru duty free. For more information on the TPA, please, check www.ustr.gov. Currently, the import tariff rate for food products ranges from 12 to 25 percent. Since May 2004, SUNAT values imported products for duties payment according to a fixed list of prices. All imports are subject to a 19 percent local sales tax of the valuation price plus duties. Of this amount, wine and liquors are assessed an additional selective consumer tax (ISC) of 20 percent, water and sodas, 17 percent and beer 27.8 percent.

9.2 Customs Procedures for Importing Samples (*Simplified Import Procedure*)

This procedure is used in order to import samples with no commercial value (gifts that do not exceed \$1,000 or products less than \$2,000) and samples with commercial value (that do not exceed \$2,000). Alcoholic beverages are always considered samples of commercial value, which must have to pay import taxes and tariffs. Samples should be made unuseful for sale, by means of cuts, perforations, inscriptions, unsealing or others. Once the Simple Declaration (DS) is processed, the merchandise is always subject to inspection.

The owner of the merchandise, the consignee or the customs agent must comply these requirements to clear SUNAT:

- ☐ Simple Declaration (DS) issued by SUNAT and filled by the interested part.
- ☐ Airway bill, bill of lading or postal advice letter.
- ☐ Commercial invoice.
- ☐ Identification card or passport.

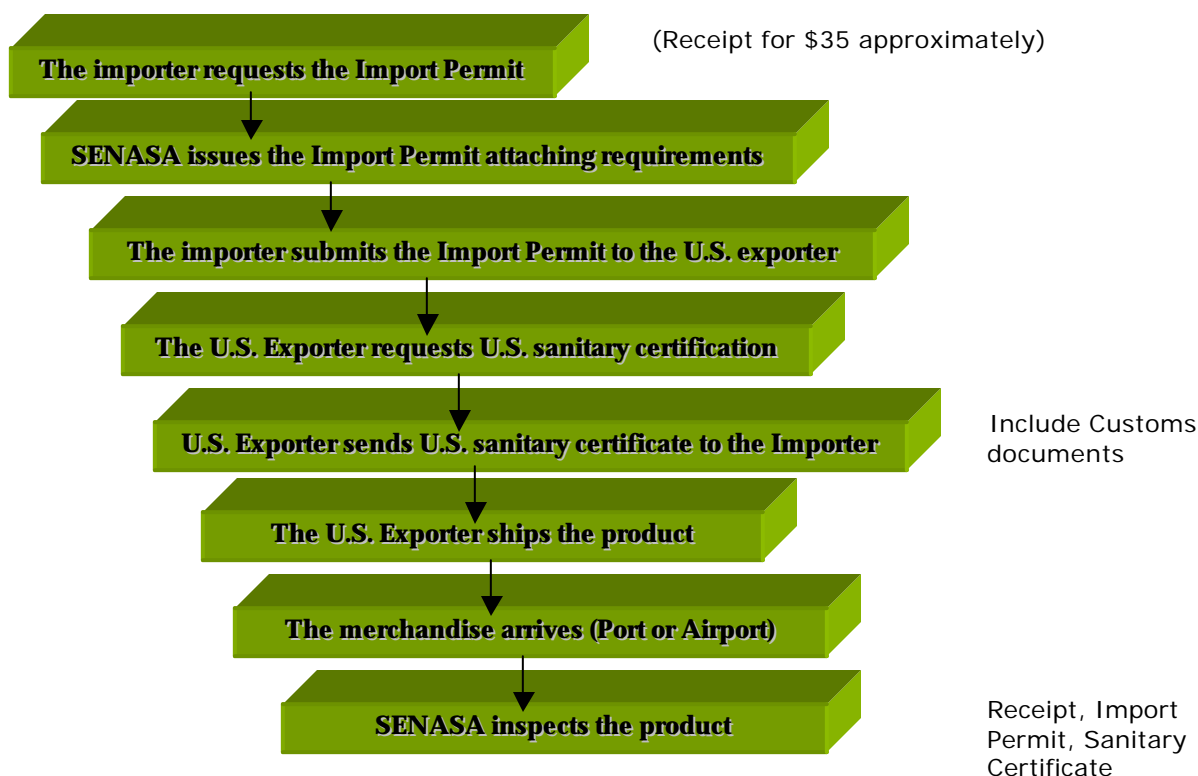
- ❑ RUC of the importer.
- ❑ Insurance letter.
- ❑ Sanitary authorization for food processed products or sanitary certificate for animals, plants or their by-products.

9.3 Import procedures for Products of Animal and Plant Origin

Before the product is shipped, the importer must request an import permit from SENASA and forward it to the exporter, including all the specific certification requirements. The exporter will provide to the importer the corresponding official health certificate of the country of origin. SENASA's inspector at the port or airport of entry verifies the accomplishment of the import permit requirements.

For new products, both of animal or plant origin, SENASA requires to carry out a risk assessment according to the Andean Community, the World Trade Organization (WTO) and the recommendations of the Animal Health World Organization (OIE) and the Codex Alimentarius as well as the sanitary conditions of the exporter country.

All certificates for animals or plants or by-products, must be error free, no pen or ink changes, or any other type of amendments. If applicable the product must be packed in a material authorized for human consumption, and labeled according to U.S. regulations. Also, the product must identify its content, net weight and the facility where it was produced, following SENASA's import requirements.



The application for the import permit is available at: www.senasa.gob.pe. SENASA's import procedures can be found on SENASA's TUPA.

9.3.1 Fresh, Chilled and Frozen Products or By-products of Animal Origin

Beginning with the implementation of the TPA on January 1, 2007, major trade barriers to U.S. exports will be reduced or eliminated. Additionally, during the negotiations the U.S. and Peru resolved sanitary and phytosanitary barriers to agricultural trade, including food safety certification for beef, pork and poultry. Pending issues are a change in certification for dairy products, which is not currently affecting imports, and a ban on paddy rice.

9.3.2 Fruits and Vegetables, Commodities and Raw Agricultural Products

On January 4, 2003 SENASA issued plant health requirements for seeds and vegetables of phytosanitary risk. Vegetable quarantine procedures and phytosanitary risk categories were issued on August 24 and on October 3, 2003. On July 18, 2005, SENASA established specific plant health requirements for imported botanical seeds. On October 26, 2005, SENASA published the list of quarantine pests not present in Peru.

On February 28, 2005 by Directorial Resolution N. 0105-2005, SENASA approved the Manual of Phytosanitary Procedures (harmonized from International Regulation for Phytosanitary Measures - NIMF 15) for the entry and exit of wood packaging used for International Trade enforced on September 1, 2005.

On May 6, 2005 it was approved the ruling for quality and food safety standards of rice grains (Supreme Decrees No. 023-2005-AG and No. 028-2005-AG) which may restrict future imports of rice.

U.S. counterparts of SENASA for Products of Animal and Plant Origin

U.S. Agency	Health Certificate for U.S. product
Animal Health Inspection Service (APHIS)	Fresh fruits and vegetables; live animals and animal by-products (including biological genetic material)
Food Safety Inspection Service (FSIS)	Meats and by-products, for human consumption
Agricultural Marketing Service (AMS)	Milk and dairy products

9.3.3 Processed Food Products

In order to import processed food products, including alcoholic and non-alcoholic beverages, documentation must be accompanied with the corresponding food sanitary registry (RSA) granted by DIGESA.

9.3.4 Appeals System for Disputed or Rejected Product

The infringement of SUNAT procedures and sanctions are issued in the Customs General Law Regulations (Supreme Decree No. 129-2004-EF) of September 12, 2004. SUNAT notifies in writing the type of infringement committed, giving 20 days to the importer to fulfill all requirements. If the importer disagrees with SUNAT procedures or sanctions, he has the right to appeal to the following entities: the Customs National Office, the Prosecutor Court within the Ministry of Economy and Finance and the Ministry of Justice.

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS**Ministry of Agriculture (MINAG)**

Minister: Eng. Juan José García
Address: Av. Salaverry 655, Jesus Maria
Phone: (511) 433-3034 / (511) 431-0424
Fax: (511) 431-0109
Web site: www.minag.gob.pe

The National Agricultural Sanitary and Phytosanitary Service (SENASA)

Director: Dr. Jose Espinoza
Address: Av. La Molina 1915
Phone: (511) 313-3300
Fax: (511) 313-3315
Web site: www.senasa.gob.pe

Plant Health:

Contact: Dr. Jorge Barrenechea
Phone: (511) 313-3300

Animal Health:

Contact: Dr. Oscar Dominguez
Phone: (511) 313-3310

Port Callao:

Contact: Dr. Rosa Cusipuma
Phone: (511) 575-1599

Airport Callao:

Contact: Eng. Carlos Leiva
Phone: (511) 429-0367

Natural Resources Service (INRENA)

Chief: Mr. Leoncio Alvarez
Address: Calle Diecisiete No. 355, Urbanizacion El Palomar, San Isidro, Lima 27
Phone: (511) 225-3287
Fax: (511) 224-3218
Web site: www.inrena.gob.pe

Ministry of Health (MINSA)

Minister: Dr. Carlos Vallejos
Address: Av. Salaverry s/n. Cdra 8, Jesus Maria, Lima 11
Phone: (511) 431-0410 / (511) 315-6600
Fax: (511) 431-0093
Web site: www.minsa.gob.pe

General Environmental Health Bureau (DIGESA)

General Director: Eng. Jorge Albinagorta
Address: Las Amapolas 350, Urbanizacion San Eugenio, Lince, Lima 14
Phone: (511) 442-8353
Fax: (511) 422-6404
Web site: www.digesa.minsa.gob.pe

Food safety and Sanitary Registration

Director: Eng. Paula Ramirez
Phone: (511) 442-8353

DIGEMID

General Director: Dr. Rosa Amelia Villar
Address: Calle Coronel Odriozola 111, San Isidro
Phone: (511) 422-8456
Fax: (511) 422-8456
Web site: www.digemid.minsa.gob.pe

Ministry of Foreign Trade and Tourism (MINCETUR)

Minister: Ms. Mercedes Araoz
Address: Calle Uno Oeste 50-60, Urb. Corpac, San Isidro
Phone: (511) 513-6100
Fax: (511) 224-3362
Web site: www.mincetur.gob.pe

National Institute for the Defense of Competition and for the Protection of the Intellectual Property (INDECOPI)

President: PhD. Santiago Roca
Address: Calle de la Prosa 138, San Borja
Phone: (511) 224-7800
Fax: (511) 224-0348
Web page: www.indecopi.gob.pe

Vice Ministry of Fisheries (Ministry of Production)

Viceminister: Mr. Alfonso Miranda
Address: Calle Uno Oeste No. 060, Urbanizacion Corpac, San Isidro
Phone: (511) 616-2222
Fax: (511) 224-2950
Web site: www.produce.gob.pe

National Environmental Commission (CONAM)

President: Mr. Carlos Loret de Mola
Address: Av. Guardia Civil 205, San Borja
Phone: (511) 225-5370
Fax: (511) 255-1202
Web site: www.conam.gob.pe

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

For a list of authorized laboratories in Peru please refer to www.indecopi.gob.pe

If you have any question or comments regarding this report or need assistance exporting to Peru, please contact the Foreign Agricultural Service in Lima at the following address:

U.S. Embassy Lima, Foreign Agricultural Service (FAS)
Mailing Address: Office of Agricultural Affairs, Unit 3785, APO AA 34031
Address: Av. La Encalada cdra. 17, Monterrico, Lima 33
Phone: (511) 434-3042
Fax: (511) 434-3043
E-mail: Aglima@usda.gov

For further information, check the FAS web site www.fas.usda.gov or FAS Lima web site www.usdaperu.org.pe. Please, also refer to our other current food market related reports: FAIRS Export Certificate; Exporter Guide; Food Processing Ingredients Sector; Retail Food Sector and Hotel, Restaurant and Institutional Sector.